

ARTICLE APPEARED
ON PAGE 7

THE BOSTON GLOBE
12 March 1980

Secret Bell opinion lifted CIA ruling

STAT

United Press International

WASHINGTON — In a secret 1977 legal opinion, former attorney general Griffin Bell said the CIA is not required by a 1974 law to tell Congress in advance of its covert activities abroad, it was disclosed yesterday.

The opinion, an excerpt of which was released by the Justice Department, states that the law requires the CIA to give Congress "timely" notice of its special activities abroad — but not necessarily prior notice.

A 1978 executive order, signed by President Carter, and a Senate resolution both require the CIA to give prior notice of covert action, according to officials of the Senate Intelligence Committee.

It could not be learned how much weight the administration has given to Bell's interpretation of the reporting requirements in the 1974 Hughes-Ryan Amendment to the Foreign Assistance Act.

But William Miller, staff director of the Intelligence Committee which oversees the CIA's operations, said the panel never was advised of the Bell opinion. He said since President Carter signed the executive order, the committee had presumed until recently it was receiving prior notification of covert activities during the last two years.

Kenneth Bass, Atty. Gen. Benjamin Civiletti's counsel for intelligence policy, said the opinion applies to all CIA activities other than spying.

CIA Director Stansfield Turner shocked senators in testimony before the Senate Intelligence Committee on Feb. 21 when he told the panel it had received less information than it thought it was getting.

Turner, who was objecting to language in a proposed CIA charter that would require such advance notice in the future, disclosed the CIA did not give the committees prior notice of some operations.

Turner said the CIA withheld prior notice on particularly sensitive operations because of fears the details would leak, and that in some cases the agency had yet to inform the intelligence committees at all.